

**REMARKS**

Review and reconsideration on the merits are requested.

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph. In a first aspect, the Examiner considered the claims to be indefinite as failing to include any limitations as to the composition of the film or substrate. In a second aspect, the Examiner considered claims 3-7 and 16-20 as lacking antecedent basis for the limitation "multi-layer film-coated powder". In a third aspect, the Examiner considered method claims 15-20 as failing to recite specific steps defining the process claimed therein.

In response, independent claims 1 and 10 have been amended to define the substrate particles as being selected from the group consisting of a metal and a metal compound but excluding oxides of silicon. Metals and metal compounds for use as the material of substrate particles are described at page 40, lines 4-17 of the specification. Because the specification specifically describes oxides of silicon, the specification also describes a Markush group defining the substrate particles which excludes oxides of silicon.

Applicants respectfully disagree as to the Examiner's position with respect to the coating film. Particularly, claims 1 and 10 do not cover any conceivable combination of ingredients, but rather only those which meet the specific spectrophotometric characteristics as defined in claims 1 and 10. New claims 21 to 24 further define the coating film, but it is respectfully submitted that such description need not be incorporated into the main claims. Support is found, for example, at page 43, lines 3-4 and at lines 16-19.

Pursuant to the Examiner's suggestion, claims 3-7 have been amended to delete "multi-layer" in the first line thereof such that there is no longer any issue of lack of antecedent basis. However, Applicants respectfully disagree with respect to claims 16-20 which depend primarily or secondarily from claims 15 and/or claim 2. As required by claim 2, the coating film comprises two or more layers, thereby providing antecedent basis for "multi-layer" film-coated powder. Claim 15 similarly calls for "at least two coating layers."

Also, claims 15 and 16 have been amended to recite that the claimed methods include the manipulative step of providing at least two coating layers or two or more coating films on the substrate particles. The working examples in the specification provide adequate instruction to one of ordinary skill as to how to make such a multi-layer film-coated powder having the desired spectrophotometric properties.

It is respectfully submitted that the claims as amended fully comply with 35 U.S.C. § 112, and withdrawal of the foregoing rejection is respectfully requested.

New claims 25-30 further characterize the substrate particles. Support is found, for example, at page 40, lines 4-9 of the specification.

Entry of the amendments is respectfully requested.

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,689,205 to Bruckner et al.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

Bruckner et al. surely discloses multilayer interference pigments, including a transparent carrier material coated with alternating layers of metal oxides of differing refractive index.

Notably, Bruckner et al. requires a transparent carrier material. Namely, as set forth at column 1, lines 46-49 of Bruckner et al.:

This object is achieved in accordance with the invention by a multilayer interference pigment consisting of a transparent carrier material coated with alternating layers of metal oxides of low and high refractive index...

See also claim 1 of Bruckner et al. which also calls for a transparent medium and the Abstract (multilayer interference pigment consisting of a transparent carrier material coated with alternating layers of metal oxides...).

Claims 1 and 10 have been amended to recite that the substrate constituting the substrate particles selected from a metal and a metal compound but excluding oxides of silicon so as to exclude the transparent carrier material and therefore the multilayer interference pigments of Bruckner et al. from the scope of the amended claims. Metals and metal compounds (with exception of oxides of silicon) are generally opaque, and claims 1 and 10 are amended so as to exclude transparent substrate particles. However, if the Examiner believes that these categories may inadvertently include transparent substrate particles, claims 27 and 28 (the material constituting the substrate particles is a metal selected from iron, nickel, chromium, titanium and aluminum) surely defines opaque materials which distinguish over the transparent carrier material of the interference pigments of Bruckner et al. Likewise, oxides of iron, nickel, chromium, titanium, aluminum, etc. also are not transparent. For example, nickel oxide has a black-gray solid appearance. See claims 29 and 30.

Furthermore, because Bruckner et al. requires a transparent carrier material, there is no motivation to one of ordinary skill to substitute an opaque material such as a metal for the

transparent carrier material of Bruckner et al. Particularly, any such proposed modification would render the prior art (i.e., Bruckner et al.) unsatisfactory for its intended purpose (i.e., an interference pigment having high transmissibility in the visible region of light and high reflectivity in the NR region (column 5, lines 6-9 of Bruckner et al.)).

In view of the above, it is respectfully submitted that the amended claims define novel subject matter, and withdrawal of the foregoing rejection under 35 U.S.C. § 102(e) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1-30 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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